

FILED
Clerk
District Court

JAN 13 2005

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE Northern Mariana Islands
FOR THE NORTHERN MARIANA ISLANDS By [Signature]
(Deputy Clerk)

CR- 04-00032

January 13, 2005
10:00 a.m.

UNITED STATES OF AMERICA -v- DIONICIO A. LIZAMA

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANA E. SHMULL, Court Reporter
MICHELLE C. MACARANAS, Deputy Clerk
JAMIE BOWERS, Assistant U. S. Attorney
DANILO AGUILAR, Court-Appointed Counsel for Defendant
DIONICIO A. LIZAMA, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Danilo Aguilar. Government by Jamie Bowers, AUSA. Also present was Tracey Perez, U.S. Probation Office.

No objection by the government of the presentence report. Counsel for defendant stated their objections. The Court made appropriate changes to the presentence investigation report.

Court adopted the presentence investigation report in its entirety and instructed the Clerk to file the report as amended on the record, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved the Court to depart from the sentencing guideline and grant their motion for a downward departure as filed with the Court and that defendant be sentenced on the low-end of the guideline range. Defense recommended that the defendant be sentenced to time served. The Court granted the government's motion for downward departure.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **DIONICIO A. LIZAMA** is hereby sentenced to 12 months and one day (with credit for time already served) and supervised release for a term of four (4) years. While in prison the defendant shall participate in substance abuse and vocational programs as approved by the Bureau of Prisons. The term of supervised release will commence immediately and will require that the defendant comply with the following conditions:

1. The defendant shall not commit another federal, state or local crime;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain

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from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter to detect use of a controlled substance;

3. That the defendant shall comply with the standard conditions of supervised release as set forth by the U. S. Sentencing Commission;

4. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon or to have it his residence;

5. The defendant shall refrain from the use of any and all alcoholic beverages; and

6. The defendant shall participate in a program approved by the U. S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office.

The defendant shall pay a fine in the amount of \$2,000 and also pay an assessment fee. The Court ordered that the defendant may make fine payment arrangements with his probation officer. No objection to the sentence by the attorneys. Defendant was advised that of his rights in which to appeal his sentence as stated in his plea agreement. Further, the defendant was advised of his right to an attorney for appeal. The defendant is remanded back into the custody of the U.S. Marshal

Adj 10:38 a.m.

A handwritten signature in black ink, appearing to read 'M. Macaranas', is written over a horizontal line.

Michelle C. Macaranas, Deputy Clerk